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v.

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

United States of America

Plaintiff.

Mark Terrence Klos,

Defendant.

No. CR11-0233-PHX DGC

ORDER

Defendant Mark Terrence Klos has filed a motion for change of venue. Doc. 46. The motion is fully briefed and no party has requested oral argument. The Court will deny the motion.

Federal Rule of Criminal Procedure 21(b) provides that a case may be transferred to another district for the convenience of the parties, any victim, and the witnesses, and in the interest of justice. Although Defendant resides in Florida, five of the eight witnesses likely to testify at trial reside in Arizona, including the two victims. This case has been pending for some time, and both the prosecutor and defense attorney are located in Arizona. In addition, both victims are employed and Defendant is not, meaning that the employment-related disruption of trial would be greater for the victims if trial were held in Florida than for Defendant if trial were held in Arizona. Defendant notes that he is indigent, but the government will pay his travel and housing costs for all necessary proceedings in Arizona.

Considering all these factors, the Court concludes that trial in Arizona will be

1	more convenient and less costly than trial in Florida for the victims, the witnesses, and
2	the attorneys. In addition, Defendant has provided no basis for concluding that the
3	interests of justice will be better served by trial in Florida.
4	IT IS ORDERED that Defendant's motion for change of venue (Doc. 46) is
5	denied.
6	Excludable delay pursuant to U.S.C. § 18:3161(h)(1)(D) is found to run from
7	June 9, 2012.
8	Dated this 5th day of July, 2012.
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11	Daniel G. Campbell
12	David G. Campbell United States District Judge
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